

REMARKS

Entry of this amendment as a Submission in accordance with the provisions of 37 CFR §1.114 is respectfully requested, noting the filing of an RCE on even date herewith.

The present amendment is in response to the Final Office Action dated August 12, 2005. It is noted that applicants have filed a Notice of Appeal in this matter on December 12, 2005, together with a Petition for Extension of Time.

Appreciation is expressed to Supervisory Primary Examiner Fan Tsang from Art Unit 2645 for his courtesy and helpfulness during a telephone interview conducted in this matter on even date herewith. During the course of this telephone interview, Examiner Tsang advised the undersigned attorney that the Examiner, Ming Chow, who issued the Final Office Action of August 12, 2005 is no longer with the USPTO. Accordingly, Examiner Tsang agreed to review the proposed amendment set forth in the present amendment with the undersigned attorney. In the course of reviewing these amendments, Examiner Tsang indicated that the amendments, particularly the amendments to claim 33, raised new issues which could not be entered after final rejection since they would require substantial further consideration and, possibly, a further search. Accordingly, Examiner Tsang indicated that the amendment would need to be filed together with an RCE in order to obtain full consideration thereof). Accordingly, entry of this amendment as a submission with the RCE, submitted herewith, is respectfully requested.

The present amendment is being submitted under the provisions of 37 CFR §1.116 to respond to the points of objection and rejection raised in the Office Action

dated August 12, 2005. Turning to the issues specifically raised by the Examiner, the following comments are provided.

1) Information Disclosure Statement

Paragraph 1 of the Office Action states that the March 23, 2004 Information Disclosure Statement fails to meet the requirement of 37 CFR §1.98(a)(3) with regard to document EP 1122876 since the IDS "does not include a concise explanation of relevance." The paragraph goes on to note that the document "in the application file the information referred to therein has not been considered."

In response to this, applicants first note that the IDS filed on March 23, 2004 included a communication from the European Patent Office, dated January 29, 2004. ***A copy of this European Patent Office Search Report is enclosed herewith as Appendix B.*** As can be seen, this European Search Report specifically includes reference to the document in question, that is, EP 1122876, together with an indication that it is both category P (that is, an "Intermediate document") and category X (e.g., "particularly relevant if taken alone").

Referring next to MPEP §609, on page 600-129, it is stated:

"Where the information listed is not in the English language, but was cited in a Search Report or other action by a foreign patent Office in a counterpart foreign application, the requirement for a concise explanation of relevance can be satisfied by submitting an English-language version of the Search Report or Action which indicates the degree of relevance found by the foreign office. This may be an explanation of which portion the reference is particularly relevant, to which claims its applies, or merely an "X", "Y", or "A" indication on a search report."

Since, in the present instance, the Search Report was provided with the March 23, 2004 Office Action, and did include the designation of the relevance of the

reference, for consideration of EP 1122876, an indication of this document as having been considered is respectfully requested.

In addition regarding this matter, it is noted that this document has been cited as the basis of the rejection of claims 22-43 under 35 USC §102(e) in paragraph 7 of the Office Action. As such, notwithstanding the statements of paragraph 1 that the information in the document "has not been considered," it appears that the information in the documents definitely was considered. Accordingly, acknowledgment of consideration of the document on the form PTO-1449 or, alternatively, on a Notice of References Cited (PTO 892) is respectfully requested.

2) Claim Objections

By the present amendment, claims 22, 24, 26, 33, 35 and 37 have each been amended to provide proper antecedent basis for the terms questioned in paragraphs 2 and 3 of the Office Action. Therefore, removal of these objections is respectfully requested.

3) Objection to the Drawings

By the present amendment, legends have been provided for Figs. 1, 14a, 14b, 15, 16a and 16b. As noted in the last amendment filed on April 26 , 2005, the first Office Action of January 26, 2005 did not identify any particular figures which were being objected to for failure to provide proper legends. Similarly, the August 12, 2005 Office Action fails to provide any indication of which particular drawings are being objected to. Accordingly, applicants are providing herewith replacement sheets of drawings for Figs. 1, 14a, 14b, 15, 16a and 16b with legends based upon

their own review of this matter. If the Examiner believes any other legends are necessary, it is respectfully requested that he contact the undersigned attorney to expedite the preparation of appropriate further new replacement sheets of drawings. In any event, removal of the objection to the drawings is respectfully requested in light of the submission of the new sheets of drawings.

3) 35 USC §112 Rejections

By the present amendment, claim 31 has been amended to define that the inverter is arranged as "one of a group of at least two inverters." This corresponds to the arrangement shown in Fig. 16A and 16B. By virtue of this amendment, it is respectfully submitted that any indefiniteness in the original language has been overcome, and, reconsideration and removal of the 35 USC §112, second paragraph, rejection of claim 31 is respectfully requested.

Similarly, reconsideration and removal of the 35 USC §112, first paragraph, rejection of claim 33 is also respectfully requested. By the present amendment, claim 33 has been amended to clearly define the arrangement of the present invention with regard to the relationship between the inverter and the portable telephone, as well as the relationship between the portable telephone and a user support server of a maker. Specifically, claim 33 has been amended to define the role of a base station in the method of the present invention, as discussed on pages 10 and 11 of the Specification, for example. More specifically, as set forth on page 10, line 20 et seq., regarding the first embodiment of the invention, it is stated:

"At this time, in Fig. 1, the following assumption is made. That is, while an inverter 1 is separated far from a base station (not shown) of a portable telephone, or is shielded by a certain electromagnetic barrier, this inverter 1

is installed at such a place that a telephone communication can not be established by using the portable telephone."

In order to resolve this problem, beginning on page 10, line 27 et seq., it is described that the portable telephone is taken by the user:

"And then this user goes to such a place where a telephone communication can be established via a base station."

As such, it is respectfully submitted that, by amending claim 33 to clarify the role of the base station in the method of the present invention, the questions raised in paragraph 6 of the Office Action are fully responded to. Therefore, reconsideration and removal of the 35 USC §112, first paragraph, rejection is respectfully requested.

4) Prior Art Rejection - 35 USC §102

Reconsideration and removal of the 35 USC §102(e) rejection of claims 22-43 as being anticipated by the SEW-EURODRIVE GMBH & CO. (EP 1122876) is respectfully requested (noting that this reference will hereinafter be referred to as "the SEW-EURODRIVE reference").

More specifically, reconsideration and allowance of independent claim 22 over the SEW-EURODRIVE reference is respectfully requested. With regard to this, although the SEW-EURODRIVE reference is certainly of general interest in the present matter, it is noted that, upon closer inspection of this document, that it becomes clear that it has an important difference from the present invention. Specifically, in the arrangement of the SEW-EURODRIVE reference, the operation for the inverter can only be executed when a server or a personal computer is connected with the portable telephone via the internet (e.g., see paragraphs 0035-0037). In other words, if the portable telephone could not communicate through the

internet, the inverter cannot be operated from the portable telephone. This is completely different than the present invention, which is designed so that the inverter specifically can be operated from the portable telephone at a time when the portable telephone is not communicating with a server or a personal computer via the internet.

More specifically, claim 22 defines the features of the invention that a portable telephone, such as identified by the numeral 2 in Fig. 1, receives abnormal information from an inverter (1) by using a first interface between the portable telephone and the inverter. This abnormal information is then transmitted from the portable telephone to a support server using a second interface. Troubleshooting information is then relayed back to the portable telephone via the second interface. The inverter can then be operated from the portable telephone using the first interface, based on the troubleshooting information provided. As such, up to this point in claim 22, one could argue that the SEW-EURODRIVE document is closely related since it also uses a portable telephone as a connection line connecting an inverter to a server or personal computer for purposes of troubleshooting the inverter. However, claim 22 of the present application goes on to define that the inverter is operated from the portable telephone "without said portable telephone being in communication with the user support server through the second interface." It is respectfully submitted that nothing in the SEW-EURODRIVE reference teaches or suggests any such operation of the inverter from the portable telephone, without the portable telephone being in communication with the user support server through a second interface. Quite to the contrary, the inverter of SEW-EURODRIVE can only operate when the portable telephone is connected to the user support server

via the internet. This serves as a very marked difference between the present invention and the SEW-EURODRIVE reference, which difference is very clearly set forth in the last two lines of claim 22. Accordingly, since the SEW-EURODRIVE reference completely fails to teach or suggest the operation of the inverter from the portable telephone, without the portable telephone being in communication with the user support server through the second interface, reconsideration and allowance of independent claim 22 is earnestly solicited.

Reconsideration and allowance of the amended claim 33 is also respectfully requested. Claim 33 defines even more clearly the distinctions over the SEW-EURODRIVE reference. In particular, claim 33 defines the features discussed above that the inverter is located in a location "where telephone communications using the portable telephone cannot be established via a base station of the portable telephone." Claim 33 goes on to define that a first interface is provided for communication between the portable telephone and the inverter "without using the base station." As such, these features set forth in the preamble of claim 33 clearly define distinctions over the SEW-EURODRIVE document.

Turning to the specific steps recited by claim 33, it is noted that claim 33 contains the step of:

"disconnecting the portable telephone from the inverter, moving the portable telephone to a location where communication can be established to said user support server via the base station, and transmitting said abnormal information from said portable telephone to said user support server via the base station using said second interface."

The last paragraph of claim 33 then defines the reconnecting of the portable telephone to the inverter. Also, like claim 22 discussed above, the last paragraph of claim 33 defines that the inverter is operated from the portable telephone "without

said portable telephone being in communication, via the base station, with the user server through the second interface."

Neither the steps of disconnecting nor reconnecting, nor the operation of the inverter from the portable telephone without the portable telephone being in communication via the base station, with the user support server are even remotely suggested by the SEW-EURODRIVE document. Therefore, it is respectfully submitted that claim 33 even further emphasizes the distinctions of the present invention over the SEW-EURODRIVE document, and, accordingly, reconsideration and allowance of amended claim 33 is earnestly solicited.

Particular consideration and allowance of the dependent claims 23-32 and 34-43 is also respectfully requested. These claims serve to define even further overall distinctions over the SEW-EURODRIVE document, whether considered alone or in combination with other documents cited in this application. Accordingly, reconsideration and allowance of these dependent claims is also respectfully requested.

If the Examiner believes that there are any other points which may be clarified or otherwise disposed of either by telephone discussion or by personal interview, the Examiner is invited to contact Applicants' undersigned attorney at the number indicated below.

To the extent necessary, applicants petition for an extension of time under 37 C.F.R. §1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 01-2135 of

Antonelli, Terry, Stout & Kraus, LLP (Dkt. 500.40586X00), and please credit any overpayment of fees to such deposit account.

Respectfully submitted,
ANTONELLI, TERRY, STOUT & KRAUS, LLP

By



GEM/dks

N:\500\40586X00\AMD\CO5037.DOC

1300 North Seventeenth Street, Suite 1800
Arlington, Virginia 22209
Tel.: (703) 312-6600
Fax: (703) 312-6666

AMENDMENTS TO THE DRAWINGS

The attached sheets of drawings include changes to Figs. 1, 14a, 14b, 15, 16a and 16b. These sheets, which include Figs. 1, 14a, 14b, 15, 16a and 16b replace the original sheets including these same Figures. In these Figures, legends have been added in response to the requirement to do so set forth in the Office Action.